

SUBSTITUTE FOR
HOUSE RESOLUTION NO. 17

A resolution authorizing the Speaker to act on behalf of the House of Representatives in *League of Women Voters of Michigan, et al v. Jocelyn Benson*.

Whereas, On August 9, 2011, following the 2010 Census, then-Governor Rick Snyder signed into law Public Acts 128 and 129 of 2011. These acts collectively provided for the redistricting of congressional and state legislative districts, as required by the U.S. and Michigan constitutions and in accordance with state law. Specifically, Public Act 129 of 2011, which passed both chambers of the Legislature with bipartisan support, provided for the redistricting of the Michigan House of Representatives and the Senate; and

Whereas, On December 22, 2017, the League of Women Voters of Michigan and other named individuals filed an action against the

1 Secretary of State, in her official capacity, in the United States
2 District Court for the Eastern District of Michigan, Case No. 2:17-
3 cv-14148, contending that the congressional and state legislative
4 district maps are unconstitutional partisan gerrymanders in
5 violation of the First and Fourteenth Amendments of the U.S.
6 Constitution; and

7 Whereas, Following the filing of the action, then-Secretary of
8 State Ruth Johnson engaged in a vigorous defense of Public Acts 128
9 and 129 of 2011, including the filing of multiple motions to
10 dismiss the lawsuit and for summary judgement. On November 6, 2018,
11 the people of Michigan elected Jocelyn Benson as Secretary of
12 State, succeeding Secretary of State Johnson on January 1, 2019;
13 and

14 Whereas, On January 17, 2019, Secretary of State Benson,
15 through newly appointed counsel, filed a motion to stay the
16 proceedings. In the motion and subsequent filings and public
17 statements, the Secretary of State expressed a desire to cease
18 defending the law and instead settle the matter with the
19 plaintiffs, including by agreeing to allow for the redrawing of
20 state legislative districts for the 2020 elections; and

21 Whereas, Then-Speaker Pro Tempore of the House moved to
22 intervene in his official capacity, and intervention was granted
23 after appeal to the United States Court of Appeals for the Sixth
24 Circuit; and

25 Whereas, Members of the Michigan House of Representatives now
26 have an additional interest in this matter, as the proposed remedy
27 could invalidate numerous House districts and result in the
28 redrawing of substantially more than that number; and

29 Whereas, The House of Representatives must seek to defend its

1 unique role in Michigan's constitutional system; now, therefore, be
2 it

3 Resolved by the House of Representatives, That the Speaker of
4 the House, in his official capacity as an intervenor, is authorized
5 to speak for the House of Representatives in *League of Women Voters*
6 *of Michigan, et al v. Jocelyn Benson* (2:17-cv-14148) and take all
7 necessary steps incidental thereto, including, but not limited to,
8 pursuing or defending any appeals.